

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

HEARTS WITH HAITI, INC.,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	2:13-cv-00039-JAW
)	
PAUL KENDRICK,)	
)	
Defendant.)	

**ORDER ON DEFENDANT’S MOTION IN LIMINE TO EXCLUDE THE
DISCLOSURE OF ANY AD DAMNUM TO THE JURY OR A REQUEST FOR
ANY DOLLAR AMOUNT OR DOLLAR THRESHOLD FOR PAIN AND
SUFFERING OR SIMILAR SUCH NON-ECONOMIC DAMAGES**

On June 12, 2015, the Defendant moved to prevent the Plaintiffs from disclosing the ad damnum to the jury or requesting a dollar amount for pain and suffering damages. *Def.’s Mot. in Limine to Exclude the Disclosure of Any Ad Damnum to the Jury or a Req. for Any Dollar Amount or Dollar Threshold for Pain and Suffering or Similar Such Non-Economic Damages* (ECF No. 353). On June 24, 2015, the Plaintiffs responded that “Plaintiffs and their counsel fully intend to comply with the rules of this district and circuit regarding the disclosure of the *ad damnum* or request a dollar amount for pain and suffering to the jury.” *Pls.’ Resp. to Def.’s Mot. in Limine to Exclude the Disclosure of Any Ad Damnum to the Jury or a Req. for Any Dollar Amount or Dollar Threshold for Pain and Suffering or Similar Such Non-Economic Damages* (ECF No. 402).

Under First Circuit law and the law of this district, a lawyer may not disclose the ad damnum or demand a figure for pain and suffering damages to the jury. *Bartlett v. Mut. Pharm. Co., Inc.*, 678 F.3d 30, 42 n.7 (1st Cir. 2012); *Wilson v. Bradlees of New Eng., Inc.*, 250 F.3d 10, 23 n.25 (1st Cir. 2001); *Davis v. Browning-Ferris Indus., Inc.*, 898 F.2d 836, 837-38 (1st Cir. 1990); *see also* Judge Hornby, *Summary of First Circuit Authority and Local Rules Concerning Opening Statements and Closing Arguments* at 2 (Last updated: June 12, 2015).

The parties correctly recognize the binding nature of First Circuit authority on these issues and the Court therefore GRANTS without objection Defendant's Motion in Limine to Exclude the Disclosure of Any *Ad Damnum* to the Jury or a Request for Any Dollar Amount or Dollar Threshold for Pain and Suffering or Similar Such Non-Economic Damages (ECF No. 353).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 25th day of June, 2015

Plaintiff

HEARTS WITH HAITI INC

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Plaintiff

MICHAEL GEILENFELD

*Individually and in his capacity as
Executive Director of St Joseph
Family of Haiti on behalf of St
Joseph Family of Haiti and its
residents (per Order #84 acting in
Individual Capacity Only)*

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